

Serial No. 10/781191

- 4 -

Art Unit: 2681

REMARKS

Claims 1-5 are pending in this application. All of the claims were rejected under 35 U.S.C. 102(b) as being anticipated by Almgren. Claims 1-5 are currently amended.

Reconsideration and further examination are respectfully requested.

The presently claimed invention distinguishes Almgren because a fixed location device, such as a base station or access point, sets its own transmit power based on the nearby fixed location devices using the same channel. According to Almgren, the base station orders the mobile device to use a particular transmit power. In particular, "after receiving a signal from a mobile, the base station measures various parameters associated with the received signal to determine a transmission power order to be sent to the mobile station." Col. 4, lines 32-36. In contrast, a base station in accordance with the presently claimed invention would set its own power level based on nearby base stations operating on the same channel. The claims have been amended to emphasize this distinguishing feature. For example, claim 1 now recites "logic for detecting that a second fixed-location device is also using the radio frequency channel; and logic for adjusting transmit power to decrease interference with the second fixed-location device." Claims 3 and 4 recite similar distinguishing language. Claims 2 and 5 are dependent claims which further distinguish the invention, and which are allowable for the same reason as their respective base claims. Withdrawal of the rejections of claims 1-5 based on Almgren is therefore requested.

Serial No. 10/781191

- 5 -

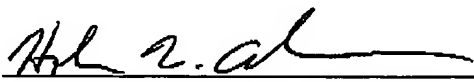
Art Unit: 2681

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

Jan. 5, 2006
Date


Holmes Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

Docket No. 160-022
Dd: 1/6/06